

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No. 27041 of 2016

1.C.Nithi @ Nithiyanandhi

2.A.C.Hari Prasandh

3.A.C.Arun Kumar

... Petitioners

Vs.

The Managing Director
Tamilnadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishna Road
Salem-636 007.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondent to settle all the terminal benefits of Mr.A.Chinnamuthu to the petitioners with interest at 12% per annum with effect from 01.09.2012 within the time stipulated by this Court and pass such further orders as this Court may deem fit and proper under the circumstances of the case.

For Petitioners : Mr.A.Selvaraju

For Respondent : Mr.R.K.Gandhi
Standing Counsel
for Transport Corporation

ORDER

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. The 1st petitioner's husband joined service as a Junior Tradesman in the Transport Corporation on 07.11.1975 and subsequently, he was promoted as a Senior Tradesman and he had rendered 37 years of service. While so, the 1st petitioner's husband died on 30.08.2012, leaving behind the 1st petitioner,

who is the wife, and petitioners 2 and 3, who are the sons, as Legal Heirs. The grievance of the petitioners is that though, they had approached the respondent seeking terminal benefits of 1st petitioner's husband, but, the same was not paid to them till date. In this regard, the petitioners submitted a representation before the respondent, on 06.07.2016. However, till date, there was no response. Aggrieved against the same, the present Writ Petition is filed.

3. The learned counsel appearing for the petitioners, brought to the notice of this Court the common judgment, dated 12.06.2015, passed by the Madurai Bench of this Court in W.A. (MD) Nos.383 to 457 of 2015, wherein under similar circumstances, the Transport Corporation undertook to pay the amount due and payable to the petitioners therein in twelve equal monthly instalments. He would further submit that following the same, this Court has passed similar orders in several Writ Petitions. Accordingly, he would pray that a similar order may be passed in this Writ Petition also.

4. The learned Standing Counsel, who took notice on behalf of the respondent, would affirm that the issue involved in this Writ Petition is squarely covered by the judgment passed by the Madurai Bench of this Court in W.A. (MD) Nos.383 to 457 of 2015, dated 12.06.2015 and the relevant portion of the said judgment reads as follows:-

"2. The said statement is thus taken on records and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Hon'ble Supreme Court in D.D.Tewari (D)through LRS. Vs. Uttar Haryana Bijli Vitran Nigam Ltd and Others (2014 (9) SCALE -78), wherein it is held that in case of any delay in making the payment of the instalments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month."

5. Considering the fact that the issue involved in this Writ Petition is squarely covered by the orders passed by this Court in similar circumstances, without going into the merits of the matter, the respondent is directed to disburse the retiral benefits to the petitioners herein in twelve equal monthly instalments, in the light of the common judgment passed

by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from 15.11.2016.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

paa

To

The Managing Director
Tamilnadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishna Road
Salem-636 007.

+1cc to Mr.A.Selvaraju, Advocate, S.R.No.43942

W.P.No.27041 of 2016

AK(CO)
CA(23/08/2016)

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